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Letter dated 27 October 2006 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith, for your information, a copy of the complete text of the statement delivered by the President of the Republic of Côte d'Ivoire on 6 October 2006, in which he outlined the main points to the Summit of Heads of State and Government of the Economic Community of West African States (ECOWAS) (see annex).

I would be most grateful if you could circulate this letter as a document of the Security Council.

(*Signed*) Philippe **Djangone-Bi**
Ambassador
Permanent Representative

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Annex to the letter dated 27 October 2006 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Complete text of the statement delivered by the President of the Republic of Côte d'Ivoire in which he outlined the main points to the Summit of Heads of State and Government of the Economic Community of West African States (ECOWAS), at Abuja on 6 October 2006

- Your Excellency, Chairman of the African Union,

- Your Excellency, Chairman of the ECOWAS Authority,

- Your Excellencies, Heads of State and Government, Country- Members of our Sub regional organization,

- Your Excellencies, Heads of delegations, representing the Heads of State or Government of their countries,

Distinguished Ladies and Gentlemen,

My country, Côte d'Ivoire is faced with a crisis since September 19th 2002.

What is happening to Côte d'Ivoire is a typical case of an aborted coup d'Etat which, with the support of foreign powers, has been transformed into a rebellion.
It is an aborted Coup d'Etat and the whole has identified it as such and condemned it.

These condemnations came from all over the world. Let me point out a few of them.

Here in the country, on December 12th 2002, the political parties members of the National Assembly released a joint declaration which reads as follows: *"We, PDCI-RDA,FPI,PIT,RDR,UDPCI,UDCY, MFA political parties represented at the National Assembly, in the Government, at the Social and Economic Council, in the General and Municipal Councils again and firmly condemn the coup attempt of September 19th 2002 and all forms of access to power by force."*

At the sub regional level, the condemnations of the coup d'Etat were diverse and numerous.

On September 20th 2002, the day after the coup attempt, Dr. Mohamed Ibn CHAMBAS, Executive Secretary of the ECOWAS condemned it by stating that *" all access to power must be done through free, fair and transparent elections"*.

The same day, during his visit in Paris, President Abdoulaye WADE, Chairman in office of the ECOWAS has *"condemned the Coup attempt and made a solemn appeal for calm and the strict respect of the constitutional order in this sister country"*.

On September 22nd 2002, the ECOWAS sent a mission in Côte d'Ivoire including the duly accredited representatives of the Heads of State of Ghana, Nigeria and Togo, who reiterated their *"firm rejection of all forms of action triggering an anti-constitutional change in the countries of the sub region and [their condemnation of] the aggression perpetrated against the government and the people of Côte d'Ivoire"*.

On September 29th 2002, an Extraordinary Summit of the ECOWAS was held in Accra. The following Heads of State attended this Summit:

- Blaise COMPAORE of Burkina Faso;
- Verona RODRIGUES Pires of Cabe Verte;
- John KUFUOR of Ghana;
- Koumba YALA of Guinea Bissau;
- Charles TAYLOR of Liberia;
- Amadou Toumani TOURE of Mali;
- Mamadou TANDJA of Niger;
- Olusegun OBASANJO of Nigeria;
- Abdoulaye WADE of Senegal;
- GNASSINGBE Eyadema of Togo.

Mrs Aissatou NJIE, Vice – President of the Gambia, Mr. Bruno AMOUSSOU, Senior Minister of Benin, Mr. François FALL, Minister of Foreign Affairs of Guinea, Mr. Mohamad Lamine CAMARA, Deputy Minister of Foreign Affairs of Sierra Leone were duly accredited representatives of President Yaya JAMEH of the Gambia, President Mathieu KEREKOU of Benin, President Lansana CONTE of Guinea and President Tejan KABBAH of Sierra Leone.

The Summit was held in the presence of:

- Mr. Thabo M'BEKI, President of the Republic of South Africa and current Chairman of the African Union;
- Mr. Amara ESSY, Chairman of the African Union Commission;
- Mr. Ahmedou OULD ABDALLAH, representative of the UN Secretary General for West Africa.

This summit, known today as the Accra I summit has *"firmly condemned the attempt of destabilization of democracy and the constitutional legality in Côte d'Ivoire"* and *"reaffirmed the position of ECOWAS which says that "no recognition will be accorded to any government which will access to power by overthrowing a democratically elect government or by using anti-constitutional means."*

On January 31st 2003, during its 26th Ordinary Session of the Conference of Heads of State and Government, the ECOWAS, in the item 44 of the Final Communiqué, *"reaffirmed its support for the elect President of Côte d'Ivoire, His Excellency Laurent Gbagbo"*.

Almost all the Heads of States who attended the Ordinary Session when our sub regional organization took these decisions are still in office today.

The African Union has also released a declaration on the aborted coup d'Etat.

On September 24th 2002, the African Union released a Communiqué in which it is stated that the AU *"condemns firmly the coup attempt and the destabilization of the constitutional legality in Côte d'Ivoire and expresses its support and solidarity to the Government and the people of Côte d'Ivoire"*.

On September 27th 2002, the Chairman of the African Union Commission Mr. Amara ESSY, has, in a declaration released in Abidjan, indicated that *"it is unacceptable today to allow some insurgents to come to power by Coup d'Etat"*

On September 24th 2002, just five 5 days after the coup attempt, Mr. Ahmedou OULD ABDALLAH, Duly Representative of the Secretary General of the UN for West Africa condemned the coup d'Etat with these words : *" the coup d'Etat is a 'waste', we did not need what occurred in Côte d'Ivoire knowing that all crisis always ends [...] West Africa in general and Côte d'Ivoire in particular do not need to suffer from instability. Nobody wins in such a case, neither the opposition nor the authorities of this region"*

Some country – members of the UN Security Council have also condemned this coup d'Etat.
On September 20th 2002, the French Minister for Cooperation Mr. Pierre-André Witzer made a declaration through the public French radio RFI, stating that *" it is in the best interest of all Ivorians to live together, to work and progress in the framework and the respect of public liberties and of the institutions"*

On December 15th 2002, The French Minister of Foreign Affairs, Mr. Dominique De VILLEPIN, denounced *"foreign interference in the crisis in Côte d'Ivoire"*

On October 9th 2002, Mr. Walter KANSTEINER, Deputy Secretary of State for African Affairs, in the name of the government of the United States of America released a communiqué in which he affirmed that *" the United States has on many occasions condemned the attempts to overthrow any democratically elect government."* He added that *" in a democratic society, all differences must be resolved through a democratic political process"*

Your Excellencies,

In addition to the condemnations that I just quoted, our sub regional organization ECOWAS has done more on the field, right from the beginning of the crisis in Côte d'Ivoire.

First, it has mandated our brother and colleague, President Abdoulaye WADE who, on October 17th 2002, through the mediation of his Foreign Minister, Mr. Cheik Tidiane GADIO, facilitated the signing of a cease-fire, with what has now become, because the aborted coup d'Etat, a rebellion.

The ECOWAS has also set a contact Group led by the late President GNASSINGBE Eyadema (May his soul rest in peace), and undertaken negotiations for peace between the rebellion and the Ivorian authorities.

The negotiations of Lomé took place from October 28th to December 24th 2002. That is to say 54 days.

I have personally composed the delegation which participated in the Lomé talks. It was led by Mr. Laurent Dona FOLOGO, a key political figure in Côte d'Ivoire, Chairman of the Economic and Social Council and member of the PDCI-RDA.
The delegation included Ministers from the Government, MPS from all the political parties represented at the National Assembly, Officers of our National Army, police force and Gendarmerie, members of the Social and Economic Council and other State corps.

I have commended the late President GNASSINGBE Eyadema for the way he led the Lomé Talks. He, regularly, kept me posted with the state of his mediation and demonstrated through the negotiations his willingness to restore peace in my country.

I placed a lot hope and expectations in the mediation of President GNASSINGBE Eyadema, because it was an African mediation. This is why I deeply regretted the fact that this African mediation, that is to say the resolution of a conflict in an African country, was abandoned by ECOWAS, by Africa.

At the time when President GNASSINGBE Eyadema was leading the peace talks and himself and the press announcing that a peace agreement was about to be signed in a few hours to come, France released a statement saying it was convening a round table in Paris on the Ivorian crisis, thus, abruptly interrupting the promising and African negotiations of President EYADEMA.

I am quite convinced that had the resolution of the crisis remained on the African soil and in the hands on the ECOWAS, we would have already had peace in my country.

Unfortunately, the resolution of this African crisis was left in the hands of France which, to end a rebellion in a state, convened a meeting with the leaders of the rebellion and some political parties, which as we all know are private organizations competing to access to power.

Why did the French authorities ignore the legal and state authorities of the country to facilitate the signing of an agreement between the political parties and the rebellion, and thus legitimizing the rebellion?

Time will tell.

Right after the round table of Paris known as the round table of Linas-Marcoussis, because it was held within the premises of a rugby training camp, France convened at Kléber an international Conference on the situation in Côte d'Ivoire. At this Conference I was asked to endorse the Linas – Marcoussis Agreement.

The Linas –Marcoussis Agreement requested that I take the following measures:

- The dissolution of a government of national unity that I just formed on August 5th 2002 and which included members of all the main political parties in the country;
- The appointment of a new Prime Minister of consensus;

- The formation of a Government of National reconciliation including members of the rebellion et of the political parties which attended the Linas – Marcoussis round table;

- I was asked to take legislative measures in the following areas:
  - Identification of individuals and the status and stay of foreign nationals;
  - Rights and Freedoms of the Individual;
  - Land tenure regime
  - Status of the political parties and the opposition;
  - Electoral system
  - Legal Status of the Media
  - Citizenship

The Linas –Marcoussis also requested that I take new measures, namely:

- The amendment of the Constitution so as to make the former Prime Minister Alassane OUATTARA eligible, on whom the highest jurisdiction of Côte d'Ivoire has rendered a decision of eligibility;
- The delegation of some of the executive powers to the Prime Minister to help him discharge his duties;
- A law of amnesty to make the rebels feel confident with the peace process and accept to join the government. But, above all to permit them to engage, without any worry for their life and liberty, in the only task they have been committed by the Linas –Marcoussis Agreement: The Disarmament.

In fact, the Linas-Marcous requested only one thing from the rebels: the Agreement demanded that they disarm to permit the reunification of the country for the holding of the elections, since the Constitution of Côte d'Ivoire does not authorize any election to be held as long as the territorial integrity of the country is undermined. This situation was confirmed by the Constitutional Council of Côte d'Ivoire in its decision #003/CC/SG of December 17th 2003 which reads as follows: " *the situation in Côte d'Ivoire since September 19th 2002 is an attack of the country's national integrity[ ] consequently, an election cannot be held on the whole or part of the national territory* "

As soon as I came from the Kleber Conference, I addressed the nation and asked my fellow countrymen to endorse the Linas –Marcoussis Agreement which will bring peace and the reunification of the country just as a patient takes a very bitter medicine to heal from his sickness.

Your Excellencies,

I will never hide the fact when I was coming into office in October 2000, Côte d'Ivoire was confronted with some pending old and profound problems resulting from the ruling and governance of my predecessors.
Allow me to mention a few of them:

-The first problem is the question of immigration and a strong presence of foreign nationals on our soil.

-The second problem is the use of the foreign nationals for political purposes.

-The third problem is the manipulation for political purposes of ethnical and religious sentiments and ties by some political leaders.

-The fourth problem is related to the matter of the identification of individuals living in Côte d'Ivoire and this matter is been pending for the last 15 years.

-The fifth problem is about the rivalry among the political heirs of the late President Félix Houphouët Boigny. They are President Henri Konan BEDIE, the late Gl Robert GUEI and the former Prime Minister Alassane Dramane OUATTARA.

It is to find a remedy to all these contradictions and to other issues that right after taking my oath, I decided to form a government of national unity to which only the RDR, the party of Mr. Alassane Dramane OUATTARA, refused to join.

I met in Yamoussoukro the former President Henri Konan BEDIE, the former Prime Minister Alassane Dramane OUATTARA and the former Head of State GL. Robert GUEI to set the foundation conducive for a climate of détente in the political environment.

I also organized the Forum of national reconciliation, chaired by the former Prime Minister Seydou DIARRA. During these sessions all the people who had something to say to the nation, all the people who had some grievances against someone or the society were free to express themselves publicly. The debates of the Forum were broadcasted live on national television and radio.

I initiated a policy of decentralization not only to give a boost to the development of the country but also to share power and thus absorb some ambitions.

On August 5th 2002, after the Forum of national reconciliation, I formed a government of national unity and the RDR finally agreed to join the new government. All the political leaders, who voluntarily went to exile or were forced to exile because of the military transition of Gl GUEI came back home. I applauded their return and had the feeling that now was the time to tackle the questions of development.

But, it was at that very moment that people tried to overthrow me and my government on September 19th 2002, 45 days after the forming of the government of national unity on August 5th 2002.

Your Excellencies, Heads of State and Government,
Distinguished Heads of delegations,
Ladies and gentlemen,

Having endorsed the Linas – Marcoussis Agreement I resolutely committed myself to its implementation, one task after the other.

I have facilitated the vote by the National Assembly of the laws recommended by the Marcoussis Agreement, including the amnesty law, after forming the Government of National Reconciliation in March 2003.
The year 2003 went by and we were heading towards the end of the year 2004 without seeing the commencement of the disarmament which according to the Linas-Marcoussis Agreement must have started right after the forming of the Government of National Reconciliation. The rebels refused to implement the only task they were committed to, on the ground that the Prime Minister of the Government of National Reconciliation was not granted enough powers.

A high level Conference was convened by the UN Secretary General, first in Addis Ababa, on the fringe of the AU conference and later on in Accra. Many African Heads of State attended the conference co-chaired by the UN Secretary General in person. During this conference, the Prime Minister Seydou DIARRA admitted that the powers granted to him sufficed for him to fulfil his mission. This is clearly stated in the Accra III Agreement which concluded our meeting in the Ghanaian Capitol, on July 30th 2004.

The Accra III Agreement also stressed that the rebels should have disarmed by October 15th 2004. But once again the rebel rejected any idea of disarmament and began to scoff at the nation.

I therefore committed my army to free the country and reunify it. Air strikes were used. And according to the report released by the UNOCI on November 9th 2004, they triggered exclusively military targets. My soldiers were already in Bouaké and they encountered no form of resistance. Soro Guillaume fled and found refuge in Lomé and his combatants all disappeared from the field. It was at that moment that France announced the death of nine of its soldiers and held the Ivorian air force responsible for this deed.

The French President Jacques CHIRAC, without even requesting for an investigation, ordered the destruction on the ground of the aircrafts of the Ivorian Air Force and the bombardment of the residence of the late President Félix HOUPHOUET – BOIGNY in Yamoussoukro and the Presidential Palace in Abidjan.
At the same time, the pilots of the incriminated aircraft, Russian experts were captured and later on released by the French Army based in Abidjan.

The Ivorians invaded the street to protest against the behaviour of France. The French soldiers opened fire many times on the crowd of peaceful demonstrators, sometimes from their helicopters. We deplored tens of deaths and hundreds of wounded. The peace process was again blocked.

I would like to stress that after almost two years of this massacre the French judicial system has not yet concluded its investigations and the French judicial authorities refused to cooperate and continue to prevent the Ivorian Judicial system from carrying out its own investigations.

It is in these circumstances that the President of South Africa, His Excellency Thabo MBEKI arrived as the AU Mediator in the Ivorian crisis. He was appointed by President Olusegun OBASANJO, who was then Chairman of the African Union.

I did not know President Thabo MBEKI before his appointment as Mediator in the crisis to which my country is confronted since September 2002. He came to Abidjan for the first time on November 9th 2004 at the time when the French soldiers were massacring my people. He went back home the same day. He came back again a few days later and spent 4 days in the country. During his stay, he met, consulted and talked with all the protagonists.

When he understood the complexity of the conflict in Côte d'Ivoire and clearly identified the blockades, he drafted a roadmap that he distributed to all the different parties before he returned to his country.
After the implementation of the roadmap, that I was actually the only one who did fulfil his commitments and achieve his tasks, President Thabo MBEKI invited the Ivorian parties to Pretoria to find a peace agreement. For three days, the real protagonists of the Ivorian crisis have talked and talked to one another. These talks resulted in the signing of what is known today as the Pretoria Agreement.
Like all the other agreements, the one of Pretoria was also simple and requested some concessions from me which were incredible one after the other.
Thus, for peace in the country, the country of all of us and at the request of my opposition:

- I had to exceptionally accept the forming of a new Electoral Commission composed of the political parties and rebel movements in replacement of the Electoral Commission established according to the law. What is even more amazing is that by accepting this arrangement, I was giving a majority of the deliberative votes to the rebels and their political allies. Today, this new commission is in place. The rebellion and the civil opposition are the majority in the Electoral Commission and the Chairman of this Commission is a member of the PDCI.
- I was asked to give to my civil and armed opposition the Management of the national radio and television stations. With this arrangement, the rebels not only control the radio and television stations they created in the besieged zones but, paradoxically, they also control the stations that the Republic fought hard to safeguard during their criminal attacks in Abidjan.
- I was also asked to use the exceptional powers vested upon me, as President of the Republic, by Article 48 of the Constitution to declare Mr. Alassane Dramane OUATTARA, eligible for the Presidential election. His candidacy was rejected during the Presidential election of October 2000 that I won.
Thus,it is important to stress that when Mr. Alassane Dramane OUATTARA was not authorized to take part in the 2000 presidential election, I was not in office. Today, Mr. Alassane Dramane OUATTARA can run for President by virtue of the decision that I took in his favour, with the powers vested upon me by Article 48 of the Constitution. Only by virtue of this decision.

I was asked to accept the appointment of a UN High Representative for the elections, whose role is to guaranty the impartiality of the electoral process, a position that exists nowhere in the world.

In return of all these arrangements and concessions the rebellion was to accept the disarmament.
In the same period and under the aegis of the Mediator, the Ivorian National Assembly has examined and achieved the programme of the legislative reforms that were proposed by the Marcoussis Agreement. Thus, by December 17 2004, the following 12 laws were passed:

1. The law of amnesty # 2003 – 309 of August 8th 2003;
2. The law on the identification of persons and the status of the foreign nationals in Côte d'Ivoire. April 23rd 2004;
3. The law on the creation, organization and functioning of the National Commission for Human Rights. April 23rd 2004;
4. The law amending the law on the identification of persons and the status and stay of foreign nationals in Côte D'Ivoire. May 3rd 2004;
5. The law authorizing the President of the Republic to ratify the additional protocol on the free circulation of persons, the right for residence and establishment. July 27th 2004;
6. The law amending Article 26 related to the land tenure regime. August 3rd 2004;
7. The law on the declaration of the assets of the President of the Republic. July 28th 2004;
8. The law related to the financing of the political parties and organizations and of the electoral campaigns on public funds;
9. The law amending the law related to the composition, organization, prerogatives and functioning of the Independent Electoral Commission. December 14th 2004;
10. The law on the legal status of the written press;
11. The law on the legal status of the audio visual communication;
12. The law amending and completing the Code of Nationality. December 17th 2004.

When the National Assembly passed these laws, the rebellion and the opposition declared that they were not consistent with the spirit and the letter of the Linas-Marcoussis Agreement.

Face with the persistence of this debate, President Thabo MBEKI appointed some legal experts from Burundi to review the passed laws and the grievances of the opposition regarding these laws. In view of their deliberations and determinations, the Mediator asked me to use the exceptional powers vested upon me by Article 48 of the Constitution to amend the laws passed by the National Assembly.

I did amend these laws according to the recommendations of the Mediator on July 15 2005 by taking 06 decisions.

1. Decision # 2005-03/PR of July 15th 2005 related to the Code of Nationality.
2. Decision #2005-04/PR of July 15th 2005 on special provisions regarding citizenship.
3. Decision#2005-05/PR of July 15th 2005 related to the Identification of persons and the status of foreign nationals in Côte d'Ivoire.
4. Decision # 2005-06/PR of July 15th 2005 related to the Independent Electoral Commission.
5. Decision #2005-07/PR of July 15th 2005 related to the financing on public funds of political parties and organizations and of the candidates to the presidential elections.
6. Decision # 2005-08/PR of July 15th 2005 related to the creation of the National Commission for Human Rights in Côte d'Ivoire.

After these amendments, the rebels and the opposition declared that some provisions related to the decisions I had taken were to be clarified. They even wrote to the Mediator and proposed to him the way these decisions had to be drafted.

Again, at the request of the Mediator, on August 29 2005, I took three new decisions making some clarifications on the laws on:

1. Decision # 2005-09/PR of August 29th 2005 related to the Citizenship Code.
2. Decision#2005-10/PR of August 29th 2005 related to the special provisions regarding citizenship.
3. Decision #2005-11/PR of August 29th 2005 related to the Independent Electoral Commission.

It is based on all these achievements on my part that the Mediator during the presentation of his report before the UN Security Council, on August 31st 2005, said that the President of the Republic had entirely implemented all the signed agreements and that among all the signatories of these agreements, I was the only one who had fulfilled my commitments vis a vis the signed agreements.
In the name of the Mediator and President of the Republic of South Africa, the Minister of Defence declared before the UN Security Council:" *all the agreements, necessary to lift all the obstacles for the implementation of the Agreements have been finalized*" and he insisted that " *the decisions taken by the UN Security Council, according to which appropriate sanctions will be imposed against any party which fails to implement the signed agreements and thus, blocks the peace process must be implemented* "

What the Mediator was then saying was that there was only task left to complete the peace process: the disarmament. And that the rebels and the opposition who did not want the disarmament to take place were impeding the implementation of the agreements, therefore sanctions must be imposed against them. Up to now no sanction has been taken against them.

A dirty and obnoxious media campaign is today launched by the rebellion, the political parties which support them and all those outside our country who offer the rebels support by providing them with diplomatic passports, money, connections and travelling means.
According to this campaign, the Mediator, President Thabo MBEKI had become partial and partisan in my favour.
When the President of the Republic of South Africa was appointed Mediator by the African Union, everybody, including the rebellion, their allies, the political parties, and all the international organizations, of which Côte d'Ivoire is a full member, welcomed and applauded his appointment. He discharged his responsibilities and mission as Mediator with serenity and determination despite regular and unjust verbal attacks from the rebels and their allies. He acted with tact, respect and diplomacy in his interaction with the different parties and has, in the end, obtained positive results. In no circumstances, had the Mediator made public declarations or statements against one or the other party of the conflict.
President Thabo MBEKI is a very good Mediator. I find it unacceptable and will not accept that he be treated with so much wickedness and his name spoiled, simply because he refused to join the clan of the people whose obsession in the peace process is to overthrow GBAGBO.
I find it unacceptable and will not accept that the rebels and the opposition parties, who, thanks to the mediation of President Thabo MBEKI, have become eligible, control the national Radio and television channels and have the majority in the Independent Electoral Commission, now pay him back with the ingratitude that characterises people of no honour.

After the presentation of the report of the Mediator before the UN Security Council, the AU Peace and Security Council convened a meeting on October 06th 2005 in Addis-Ababa and produced a communiqué which constituted the substance of the UN Security Council Resolution 1633. The last line of this communiqué states that the AU Peace and Security Council *"decides to remain seized of the matter"*.
Therefore, the conclusions of our deliberations today, and I am sure everyone here understands that, will be addressed to the AU Peace and Security Council. I have already written to the Chairman of the African Union, present here, and asked him to convene this meeting.

What does the UN resolution 1633 say?

After reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, the United Nations Organization considers

At the paragraph 12 of the Resolution that *"additional measures are required to expedite the implementation of some provisions of the Linas –Marcoussis, Accra III and Pretoria Agreements, in particular the DDR process, the dismantling and disarmament of the militias and the creation of conditions for holding free, fair, open*

and transparent elections, including the identification process and registration of voters."

The UN Resolution 1633 also requests therefore, at his paragraph 13, *"the International Working Group to draw up as soon as possible a road map in consultation with all Ivorian parties, with a view to hold free, fair open and transparent elections as soon as possible and no later than October 31st 2006, concerning in particular:*

- *The appointment of a new Prime Minister as provided for in paragraph 5 above;*
- *The implementation of all outstanding issues as referred to in paragraph 12 above, recalling in this regard that the concomitant implementation of the identification process and the cantonment of the forces, as provided for in the national programme for Disarmament, Demobilization, Reinsertion and Rehabilitation signed in Yamoussoukro on May 14th 2005, would expedite the creation of conditions for holding free, fair, open and transparent elections".*

The United Nations Organization in the Paragraph 14 of its Resolution *"demands that the Forces Nouvelles (the rebellion) proceeds without delay with the DDR programme in order to facilitate the restoration of the authority of the State throughout the national territory, the reunification of the country and the organization of the elections as soon as possible".*
To discharge these missions the UNO demanded the appointment of a new Prime Minister and stressed, in the paragraph 8 of the UN resolution 1633, that *"the Prime Minister must have all the necessary powers according to the Linas Marcoussis Agreement and all the governmental financial, material and human resources, particularly with regard to security, defence and electoral matters, to ensure the effective functioning of the Government, to guarantee security and the redeployment of the administration and public services throughout the territory of Côte d'Ivoire, to lead the programme of Disarmament, Demobilization and Reintegration (DDR) and the operations of disarmament and dismantling of militias and to ensure the fairness of the identification process and of the voter registration, leading to the organization of free, open, fair and transparent elections, with the support of the United Nations"*
And the UN security Council to reiterated, in paragraph 7," *the importance of having all ministers to participate fully in the Government of National Reconciliation ... when a minister is not participating fully in the Government of National Reconciliation, his or her portfolio should be assumed by the Prime Minister and requests the International Working Group to monitor closely the situation in this regard".*

Thus, the UN Resolution 1633 did not request anything from the President if not that he should ensure that *"the Prime Minister has all the necessary powers ... and all the governmental financial, material and human resources to discharge his mission".*
In order not to obstruct the Prime Minister's work and after appointing Mr. Charles Konan Banny Prime Minister, I accepted that he assumes the portfolios of Minister of Finance and Communication. I also authorized him to choose the personalities who would assume the functions of Minister of Defence, Interior competent for security matters. And for the last reshuffle of the government I agreed at his request to appoint a member of his office as Minister of the Administration of the Territory. During the same reshuffle, two new Secretaries of State have been appointed by

him. One assumes the portfolio of Good Governance and the second that of civil protection and safety.

Your Excellencies,

As of today, the Prime Minister, Mr Charles Konan BANNY has not been denied of any power or financial resources to discharge his mission.

Neither the President of the Republic nor any other State institution or personality has obstructed the work and mission of the Prime Minister, except the rebels.

The condition that prevailed for the appointment of the new Prime Minister was that he or she must be acceptable to all parties, including the rebels.
I agreed with this condition thinking that if the opinion of the rebels was to be taken into account for the appointment of the new Prime Minister it would signify that the Prime Minister would have full authority over his cabinet and over the whole national territory to discharge his mission. If not, why ask for the opinion of the rebels before appointing a Prime Minister?

Unfortunately, Prime Minister BANNY, like his predecessor Mr. Seydou DIARRA, has never had any authority over the besieged zone, the rebels and the rebellion itself.

Let me give you some examples:

1° The Paragraph 7 of the UN resolution 1633 states clearly that all Ministers fully participate in the activities of the Government of National Reconciliation. And when a minister is not participating fully in the Government of National Reconciliation, his or her portfolio should be assumed by the Prime Minister. Mr. SORO Guillaume, leader of the rebellion and Senior Minister, has been boycotting, since December 2005, for over six months, the Cabinet meetings.

2° The roadmap of the International Working Group clearly stresses that the disarmament was to be completed by March 31st 2006. Up to now this disarmament has not commenced.

But this is not the first time that the rebels refuse to disarmament:

- The rebels agreed and indicated to the Prime Minister Seydou DIARRA that they would disarm on March 8th 2004, that is to say right after the forming of the Government of National Unity as stipulated in the Linas –Marcoussis Agreement ;
- The Accra III Agreement has stressed that the disarmament should be completed by October 15th the latest. This date has not been respected either,

3° The Prime Minister has instituted and organized military talks between the national defence and security forces and the rebellion, in view of the disarmament requested by the UNO and stated in the paragraph 14 of the Resolution 1633.
The rebels walked out of the talks and in a declaration dated August 8th 2006, rejected any disarmament programme. Recently, they have clarified their refusal to comply with the UN Resolution 1633 through a statement made by SORO Guillaume during a public conference in New York, USA, on September 23rd 2006. This is exactly what SORO said " We will not disarm. We did not fight and conquer 60% of the national territory to disarm. A land one conquers by war is never given back"

4° The Prime Minister has launched the programme of the redeployment of the administration by asking the Prefects and Sub-prefects to return to their posts in the besieged zones, in view of the organization of the *audiences foraines*, the identification and electoral census. First, the rebels supported the decision of the Prime Minister but later on released a statement on September 2nd 2006, in which they banned access to the occupied zones to the civil servants and administrators of the Republic.

5° The Prime Minister declared on July 13th 2006, the free circulation throughout the national territory of persons and their properties. The rebels, through a press statement released on September 2nd 2006 expressed their opposition to the declaration of the Prime Minister.

6° Last but not the least, the Prime Minister produced and published two documents:

- The Practical Guide on the *audiences foraines*,
- The Practical and legal provisions related to the issuing of the Citizenship Certificates.

These two documents are consistent with the laws in force, namely the law #61-155 of December 14 1961 related to the Citizenship Code.

I supported these documents because they were consistent with the laws in force.
What do these laws say?

The law on the organization of the judicial system stipulates that the *audiences foraines* are organized, on the one hand, to issue, exclusively, the *jugements supplétifs* of birth and the *jugements supplétifs* of deaths, and on the other hand, the legal system also stresses that the judges discharge their mission and tasks at the seat of the jurisdiction were they have been appointed. They can leave the tribunal and discharge their mission and tasks out the tribunal only in limited and specific cases prescribed and authorized by the law.

The law on the citizenship code prescribes the impossibility to issue the citizenship certificates outside the seats of the tribunals. It is, therefore, within these premises and only within these premises that the presidents of the tribunals and the magistrates that they mandate can issue the certificates of citizenship and nowhere else. These are the legal principals which sustained the drafting of these documents published by the Prime Minister.

The rebels who are in charge of the Ministry of Justice are opposed to these laws. In a declaration made public on August 17th 2006, they demanded that during the *audiences foraines*, organized to issue only *jugements supplétifs*, the people be issued at the same time their certificates on citizenship, in the occupied zone, were the rebels are still holding arms and where the disarmament has not commenced.

How can the judges render justice if they are under the authority of the rebels?

Since their demand was not met, the rebels refused to implement these documents published by the Prime Minister and rejected the initiative of the Prime Minister during a public conference pronounced by SORO Guillaume on August 9th 2006.

Some dangerous individuals took arms to remove from power the democratically elect government and having failed in their attempt to overthrow this government and destroy the institutions on which our nation stands, they continue to occupy one part of the national territory.
They are asked to lay down their arms and join the very institutions they intended to overthrow, working side by side with the legal and elect authorities that they planned to overthrow and killed some of them.

Your Excellencies,

The rebels did not lay down their weapons. On the contrary, the Ministers they chose to be in the government and who are for some of them illiterate and the Ministers of the political parties which support them, have, for the past four years, done everything possible to undermine the state authority and achieve their goal to overthrow the legal institutions of the country, an agenda they could not complete with their arms during the coup d'Etat.

With the UN Resolution 1633 which established the International Working Group, whose mission is to identify the blockades and the persons responsible for these blockades and make recommendations to the UN Security Council, in view of them being imposed some sanctions, the people of Côte d'Ivoire had hoped for the best and rightfully anticipated the end of the crisis.

Unfortunately, instead of condemning the rebels for their incipient obstructions and blockades to the peace process and make recommendations to the UN Security Council for appropriated sanctions to be imposed on them, the IWG prefers to have sanctions be rather imposed on the Chairman of my political party and the Speaker of the National Assembly, simply because they asked for a strict and rigorous implementation of the laws of the Republic.

Indeed, The UN Resolution 1633 states clearly the mission of the International Working Group as follows. The International Working Group must:

- draw up a road map for the implementation of the issues that are still outstanding within a very precise time frame.

- ensure that the Prime Minister has all the necessary powers and resources to discharge his mission and report to the Security Council any hindrance or difficulty which the Prime Minister may face in implementing his tasks and to identify those responsible;

- ensure that the Ivorian institutions function normally until the holding of the election in Côte d'Ivoire.

The whole thing about the mission of the IWG, is to ensure the implementation of the UN Resolution 1633, the peace Agreements, the Constitution on which our nation stands, and the laws of Côte d'Ivoire which the UNO, the AU and the ECOWAS refer to in all the texts signed during the peace process in Côte d'Ivoire.

Our hope dropped down rapidly right after the first meetings of the IWG. The International Working Group quickly deviated from its mission and tasks to give itself prerogatives that the UNO, the AU and the ECOWAS did not grant to it, including granting to the Prime Minister powers that are not stated neither in the UN Resolution 1633, nor in the Constitution and the laws of Côte d'Ivoire.

In the communiqué of its first meeting on November 8th 2005, the IWG *"considers that the resolution confers to the Prime Minister ... some personal powers. He (the Prime Minister) has the necessary competence and powers to manage the administration, civil and military, to appoint or revoke the Management of these administrations and control the financial resources."*

This assertion is a flagrant and serious violation of the UN Resolution 1633 and the Constitution of the Republic of Côte d'Ivoire. The UN resolution only stresses that the Prime Minister *"must have all the necessary powers according to the Linas – Marcoussis Agreement..."*

The Linas Marcoussis Agreement stipulates that to discharge his mission, the Prime Minister *"will have executive powers in accordance with the delegation of authority provided for in the Constitution..."*

Article 41 of the Constitution of the Republic of Côte d'Ivoire is clear about this issue. *" The President of the Republic is the exclusive holder of the executive power. He appoints the Prime Minister, Head of the government, who is accountable to him. He terminates the functions of the Prime Minister."*

The delegation of powers that those who drafted the Linas-Marcoussis Agreement talk about is stated in Article 53 of the Constitution. According to the Constitution, *"The President of the Republic can, with a decree, delegate some of his powers to the members of the government..."*

By making a determination on the constitutional powers of the Prime Minister, the IWG had a plan. The objective of the IWG's plan was to complete the aborted coup d'Etat of September 19th 2002.
Through their communiqué, the IWG wanted to amend subtly and underhandedly the Constitutional of the Republic of Côte d'Ivoire.

Having failed in its attempt to amend the Constitution, from its first meeting of November 8th 2005, to its last meeting of September 8th 2006, the International Working Group established by the UN Resolution 1633 has, in the paragraph 5 of its communiqué, identified the *"profound and persisting"* blockades which according to it, represent a serious threat on the security and humanitarian situation in the country. Searching for the causes of this blockade, the IWG asserts that they are the result of the" *impossibility for the Prime Minister to exercise the powers that were granted to him by the UN Resolution 1633, especially in the appointments for civil and military jobs."*
In addition, the IWG underscores the *"urgency to adopt exceptional and derogatory measures in order to put the peace process back on track and permit the issuing of jugements supplétifs and certificates of citizenship without delay and equitably "*

To achieve this task the IWG requests that *"new institutional arrangements of governance be envisaged for the period post October 31st 2006 to ensure the efficient functioning of the transition and a republican conduct for the security forces"*

The plan of the IWG to overthrow me has now come to light. Through the terms of this communiqué the IWG is asking the international organizations, to which my country belongs, to take a decision of transfer of the powers of the executive, appointments to civil and military functions, among others, to the Prime Minister. If such a decision is taken, it will allow the Prime Minister to appointment the Army-Chief of Staff, the commander of the police force and of the gendarmerie, after having consulted with the rebellion. Thus, I would have been removed from power and the coup d'Etat would have been completed.

This plan aims at nothing but at the suspension of the constitution as requested by the rebels and the access to power through anti democratic and anti constitutional disguised in the form of deliberations of a sub regional or regional or international organization.

The IWG and all those who are celebrating in advance this perspective fail to measure the level of this pretension and are unequipped to realise the consequences and the disasters that such a decision would generate if by extraordinary it was taken.

In any case, it is clear to us that the State institutions that the IWG wants to destabilize are institutions established through elections, namely: the National Assembly, the President of the Republic and the Constitution.

Your Excellencies,

ECOWAS, our organization, which states in its charter that its mission is *"to promote cooperation and integration in order to create the Economic Union of West Africa which aim will be to improve the living condition of its people, to maintain and increase economic stability, to strengthen the relations among the member States and to participate in the progress and development of Africa"* ,cannot be part of such a forfeiture. First, because our texts do not allow such sordid and illegal manoeuvring. As we all know, the decisions of the conference are, according to Article 9 of the revised treaty of ECOWAS, taken by unanimous vote, by consensus or at the majority of the 2/3 of the member States. It is said the subjects are defined in a protocol and unless the protocol defining these subjects is in force, the decisions of the Conference are taken by consensus.
If this consensus, based on the plan to transfer all the powers of the elect President to a Prime Minister I have appointed, was to occur in my presence, this consensus will be obtained without me. Therefore, it will not be a consensus.

In all the texts which govern our organization, especially in the texts related to the Protocol on the Mechanism of prevention, Management and Resolution of conflicts, of Peace Keeping and Security, it is said that our organization works for *"the promotion and consolidation of a democratic government and institutions in each member State ... the legality of the sovereign States, the territorial integrity and the political independence of all the members States"*.

In addition, during a meeting in Lomé from July 10th and 12th 2000, the Heads of State and Government of the Organization of the African Unity, have adopted a declaration related to the framework of the OAU reaction when faced with a situation of anti constitutional change of government.
In this declaration, our regional organization has underscored the *"respect of the Constitution and some provisions in the laws and other legislative acts passed by the Parliament"*.

To implement these principles, we have decided to identify the situations that could be considered as anti constitutional change of government as follows:

- First, a military coup d'Etat against a democratic elect government;
- Second, a mercenary attack to oust from power a democratic elect government;
- Third, an attack perpetrated by a group of rebels and army dissidents in view of removing a democratic elect government from power.

It is obvious that the situation in Côte d'Ivoire belongs to all three situations.

It is with regard to all these principles that , right from the beginning of the crisis in my country, you have all condemned the coup attempt. The texts that you adopted still exist

Let me quote two of them

- The final communiqué of the Extraordinary Summit of Heads of State and Government on the situation in Côte d'Ivoire. This Summit is referred to today as the Accra I Summit. In the final communiqué you *"firmly condemned the coup attempt, the undermining of democracy and the constitutional legality in Côte d'Ivoire" and you "reaffirmed the position of ECOWAS according to which no recognition will be granted to any government which will come to power by ousting a democratically elect government or by using anti constitutional means "*
- The final communiqué of the Conference of Heads of State and Government of ECOWAS, during its 26th ordinary session of January 31st 2003 states in its item 44 that the meeting *"reaffirmed its support and solidarity to the legal President of Côte d'Ivoire, His Excellency Laurent GBAGBO"*

This is the position you held then and this is the position that you ought to continue holding.

Those who want to overthrow me argue that my mandate is terminated and that there is a legal or constitutional 'vacuum'. This is the reason why the international organizations continue to set the duration of the transitional period. By doing this, these organizations are creating the conditions for the rebels not to disarm. For, they believe at the end of each period, the power is within their hand reach and to come to power, they just have to ask for my removal. This way, they can come to power with the help and support of the international organizations without winning any election.

I think we ought to end these proceedings because the Constitution of Côte d'Ivoire did not organize any legal 'vacuum'

The Constitution of Côte d'Ivoire was voted on July 23rd 2000 and promulgated on August 1st 2000.

I was not in office then. So no one can say that the Constitution was drafted to benefit me.

I also could not have anticipated that two years after my election, there will be a coup d'Etat to overthrow my government. But, the people of Côte d'Ivoire anticipated the uncertainties because it has learned from the coup d'Etat of 1999.

This is why article 38 of the Constitution reads as follows." *in case of serious events or circumstances affecting the territorial integrity or natural disaster making it impossible to organize the elections or proclaim their results, the Chairman in charge of the elections immediately seizes the Constitutional Council for its determination on the situation. The Constitutional Council decides within 24 hours the interruption of the electoral operations or the suspension of the proclamation of the results. The*

President of the Republic, through a national address, informs the nation. He remains in power.
In the case when the Constitutional Council orders the interruption of the electoral operations or decides the suspension of the proclamation of the results, the Commission in charge of the elections reviews and on a daily basis communicates to the Constitutional Council the state of the evolution of the situation. When the Constitutional Council observes that the events which led to the interruption of the electoral operations are no longer a threat for the proclamation of the results, it schedules another date which cannot exceed 30 (thirty) days for the proclamation and 90 (ninety) days for holding of elections."

Article 39 reads as follows." *The powers of the President in office end at the date when the elect President come into office which is immediately after he has taken his oath. Forty-eight hours after the proclamation of the final results, the elect President of the Republic takes his/her oath before the Constitutional Council during a solemn session( )*

These texts are very important and useful because with the provisions of article 34, the people of Côte d'Ivoire, has placed the President of the Republic also in the position of Head of State. As such, he represents the permanence of the institutions, symbolizes national unity, ensures the continuity of the State and the respect of the country's international commitments.

Thus, our Constitution is our last shield and I did not come to this meeting to discuss the possibility of its suspension or even evoke the possibility of ignoring it. Only the sovereign people of Côte d'Ivoire has the power to amend its Constitution. I refuse therefore, to have the Constitution of my country be debated at this meeting, especially with Heads of State of other countries who have their own Constitutions.

The Constitution of Côte d'Ivoire and the laws of the Republic will not be discussed at this conference.

At the request of the rebels, and to satisfy their demands, I implemented all the legislative and constitutional amendments. I was able to discharge this task, because the people of Côte d'Ivoire, through the Constitution, has vested upon me such a power. The amended laws and those which were not amended are the foundation of our legal system. And we cannot, to please the insatiable greed and the will of the every leader of the rebellion, amend, every week, the Constitution on which our nation stands.

The IWG also tried to destabilize our National Assembly. I do not understand this harassment. Indeed, the UN Resolution 1633 which establishes the IWG simply requested that this organization *"ensures that the Ivorian institutions function normally until the holding of the elections in Côte d'Ivoire"*.

The National Assembly is a very active dynamic and very democratic institution. I was in the opposition in my country before becoming President. Our current National Assembly, made of different parliamentary groups and where debates are hard and electric, has nothing in common with the one of the one party rule or dominant party.

There are 95 MPS from FPI, 82 from PDCI-RDA, 13 from LAYAUTE, 12 from UDPCI and 09 MPS from SOLIDARITY. There is no room for complaisance at the National Assembly of Côte d'Ivoire.

Unlike for the President of the Republic, the Constitution has no provision for the National Assembly in case of impossibility to hold elections.

However, when their mandate was reaching to an end, the MPS of all the parliamentary groups I have just mentioned adopted a text on December 12th 2005, requesting that their mandate be extended. When I received the correspondence, I asked for the ruling of the Constitutional Council, which is the institution that regulates the functioning of public powers.

The Constitutional Council in its ruling asserted *"that the National Assembly is one of the pillars of democracy in our country and that face with the impossibility to organize the elections the Constitutional Council recommends that it remains into function and functions normally."*

What exactly does the IWG reproach us with?
To be at war? Or to do our utmost so that our nation stands despite the war?

Some democratic countries have been confronted with a crisis before us. The followed exactly the same path we are following today.

- First, France: During the Second World War, the French government extended the mandate of its MPS by voting a law in 1939.

- Then, Lebanon: When the civil war broke out in 1975, the government ordered that the National Assembly remains into function until the year 1991 because of the impossibility to hold legislative elections in the country.

Our decision to maintain the National Assembly into function is an act of sovereignty. We consider that the functioning of our National Assembly is the condition for our survival as a State. Here also, we do not wish to discuss any issue related to the normal functioning of the National Assembly.

Last but not the least, the IWG also tackles the issue of the voters' rolls. According to the IWG, we must grant the citizenship of our country through exceptional measures so as to expedite the peace process and hold the elections.

By saying that, the members of the IWG show that they are not Ivorians and do not live here. If not such a proposal would not have come from them.

In Côte d'Ivoire, as well anywhere else in the world, the issue of citizenship is an ultra sensitive issue. It cannot and should not be discussed with such simplicity and cynicism.

The voters' roll in Côte d'Ivoire is permanent and public.
It is permanent because, contrary to the screaming we hear here and there, we do not establish new voters' rolls at the time of every election. The voters' roll is simply updated every year. The update concerns the adding of the people who have now reach the age to vote and the removal of those who have lost their right to vote or have passed away. This simple operation is done from the last census of the population.
If one person discovers that his/her name has been omitted, he or she will have to wait for the posting of the voters' rolls to file a complaint and have his/her name be added.

This is why, we say that the establishment of the voters' rolls is public. If someone claims that he has the right to have his name on the rolls, he has three months to file his claim before the poll. This period before the poll, also is an opportunity for the political parties or for any ordinary citizen to request that his / her name be added in the voters' rolls or even have the names of the persons who have no right to vote or have lost the status of voters be removed.
This annual updating of the voters' roll shows that in Côte d'Ivoire the electoral process is permanently and perpetually into motion.

It is also important to remind the IWG that the UN Resolution 1633 has not requested the identification of the whole population on our soil but, rather the identification and registration of the voters on the voters' rolls.

Your Excellencies,

For the past days, I hear here and there some declarations and each of the authors of these declarations believe he has been appointed to resolve the Ivorian crisis. And all of them continue to believe and assert that the resolution of this crisis is in the framework of the Linas –Marcoussis Agreement. Today, we can all agree that the peace process established from the Linas Marcoussis Agreement has failed. We also agree that it is important today to define a new framework to resolve the crisis.

Up to now no national authority has made any proposal to end the crisis. All the solutions, all the resolutions, all the agreements have all been initiated and inspired from outside our borders.

This failure leads me to agree with President Jacques Chirac when he says that no foreigners can bring peace in Côte d'Ivoire.

So, I have come here today to propose my peace plan based on the principle that the Ivorians must take possession of the peace process and seek for your support and solidarity to succeed.

This is my peace plan:

- Firm condemnation of the rebellion;
- Firm support of ECOWAS of the elect President of Côte d'Ivoire;
- Suppression of the buffer zone;
- Strict implementation of the Constitution;
- Forming of a government of national unity, which will not be built around party quotas;
- No fixation of the presidential mandate;
- Appointment of a new Prime Minister chosen by the President of the Republic to hold talks with the rebellion;
- Coverage of the national territory by the programmes of the national radio and television station.

Thank you

Laurent GBAGBO
President of the Republic of Côte d'Ivoire